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Dated: August 28, 2008

Signature: _____

(Anthony Matson)

Patent

Docket No. 532212000624

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:
Thomas L. CANTOR et al.

Serial No.: 10/760,091

Filing Date: January 16, 2004

For: METHODS FOR DIFFERENTIATING
AND MONITORING PARATHYROID
AND BONE STATUS RELATED
DISEASES

Examiner: C. Cheu

Group Art Unit: 1641

**SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT UNDER 37 C.F.R. § 1.97 & 1.98**

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to 37 C.F.R. §1.97 and § 1.98, Applicants submit for consideration in the above-identified application the documents listed on the attached Form PTO/SB/08a/b. Copies of the foreign document and non-patent literature documents are submitted herewith. The Examiner is requested to consider and make these documents of record.

Document numbers 1-6 are all published patent applications or granted patents that the Applicants have filed. None of them are in the same patent family as the present patent application, but they are related to PTH tests.

Document number 7 issued on June 6, 2008 in Japan and is related to the present patent application. Document number 8 is from an EP Opposition proceeding against EP Patent No. 1 151

307, which is related to the present patent application. Document numbers 9 and 10 were cited in document number 8 and have not been specifically listed by themselves in previously submitted Information Disclosure Statements (they were included as part of Cantor Exhibit List and Exhibits from Patent Interference No. 105,575 (MPT). The other 3 documents cited in document number 8 have all been previously submitted in Information Disclosure Statements as non-patent literature.

Document numbers 11-13 are from Patent Interference No. 105,575 (MPT), between related application number 10/641,780 and U.S. Patent No. 6,838,264. Document numbers 14 and 23 are from application number 10/945,608, which is a Continuation of the present application.

Document numbers 15-22 and 28-31 are from *Scantibodies Laboratory, Inc. v. Immutopics, Inc.*, from the United States District Court for the Central District of California, Case No. CV 04-08871 MRP (MANx), now appealed at the United States Court of Appeals for the Federal Circuit, Case No. 2008-1522. Document number 21 is a Judgment. This litigation involves U.S. Patent No. 6,689,566. The present application is Continuation of U.S. Patent No. 6,743,590, which is a Continuation-in-Part of U.S. Patent No. 6,689,566. Scantibodies Laboratory, Inc. is the assignee of the present application.

Document number 24 is from the prosecution history of application number 10/954,695. Applicants filed related application number 10/641,780 to provoke interference with application number 09/730,174. Application number 10/954,695 claims the benefit of application number 09/730,174.

Document numbers 25 and 26 are from the prosecution history of application number 11/437,428. Applicants filed the present application to provoke interference with application number 09/898,398. Application number 11/437,428 claims the benefit of 09/898,398.

As pointed out previously, related application number 10/641,780 is currently involved in an interference, Patent Interference No. 105,575 (MPT), with Immutopics' U.S. Patent No. 6,838,264 B2 ('264 patent). Applicants submitted the following Motions in the interference on December 14, 2007:

- Cantor Substantive Motion 1 – Motion for Benefit to Priority Applications, filed December 14, 2007
- Cantor Substantive Motion 2 – Motion to Change the Count, filed December 14, 2007
- Cantor Substantive Motion 3 – Motion to Correct Inventorship, filed December 14, 2007

Applicants submitted the three Cantor motions listed above in the Supplemental Information Disclosure Statement filed on July 3, 2008 as document numbers 15, 16, and 17. The examiner considered these documents in the Office Action dated August 19, 2008

Applicants also submitted the following Motion in the interference on January 18, 2008:

- Cantor Contingent Responsive Motion 1, Contingent Motion to Substitute Claim 47 for Claims in Interference, filed January 18, 2008 (submitted as document number 26 in the IDS of July 3, 2008 and considered in the Office Action dated August 19, 2008)

Immutopics filed the following responses in the interference on March 21, 2008:

- Zahradnik Opposition 1 (Opposition to Cantor Substantive Motion 1 – Motion for Benefit to Priority Applications), Patent Interference No. 105,575 (MPT), filed March 21, 2008
- Zahradnik Opposition 2 (Opposition to Cantor Substantive Motion 2 to Change the Count), Patent Interference No. 105,575 (MPT), filed March 21, 2008
- Zahradnik Opposition 3 (Opposition to Cantor Contingent Responsive Motion 1 – Contingent Motion to Substitute Claim 47 for Claims in Interference), Patent Interference No. 105,575 (MPT), filed March 21, 2008

Applicants submitted the three Zahradnik Oppositions listed above in the Supplemental Information Disclosure Statement filed on July 3, 2008 as document numbers 36, 37, and 38. The examiner considered these documents in the Office Action dated August 19, 2008.

Applicants filed the following replies in the interference on May 19, 2008:

- Cantor Reply 1 (In Support of Motion for Benefit to Priority Applications) from Patent Interference No. 105,575 (MPT), filed May 19, 2008
- Cantor Reply 2 (In Support of Motion to Change the Count) from Patent Interference No. 105,575 (MPT), filed May 19, 2008
- Cantor Reply 3 In Response to Zahradnik Opposition 3 (In Support of Cantor Contingent Responsive Motion 1 to Substitute Claim 47 for Claims in Interference) from Patent Interference No. 105,575 (MPT), filed May 19, 2008

Applicants submitted the three Cantor Replies listed above in the Supplemental Information Disclosure Statement filed on July 3, 2008 as document numbers 124, 125, and 126. The examiner considered these documents in the Office Action dated August 19, 2008.

Applicants list below the related applications to the present patent application:

Application Number	Patent Number	Status
09/231,422	6,689,566	Under Reexamination Control No. 90/007,685 Control No. 90/007,732
09/344,639	6,743,590	Granted
09/636,531		Abandoned
10/013,332		Abandoned
10/617,489		Pending
10/641,780		Interference No. 105,575 (MPT)
10/760,091		Pending
10/945,608		Pending
11/799,726		Pending
11/894,367		Pending

Listed below are other applications filed by the Applicants that are related to PTH tests:

Application Number	Patent Number	Status
10/799,476		Pending
09/928,047	6,923,968	Granted
11/894,366		Pending
10/215,770		Pending
09/636,530		Abandoned
10/002,818	6,524,788	Granted
11/377,980		Pending
10/286,465	7,056,655	Granted
09/323,606		Pending
09/928,048		Abandoned
10/209,162		Abandoned
10/265,276		Abandoned
10/674,294		Pending
10/956,760		Pending
11/144,437		Pending
10/958,541		Abandoned
11/516,912		Pending

This Information Disclosure Statement is submitted:

- ☐ With the application; accordingly, no fee or separate requirements are required.
- ☐ Before the mailing of a first Office Action after the filing of a Request for Continued Examination under § 1.114. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☐ Within three months of the application filing date or before mailing of a first Office Action on the merits; accordingly, no fee or separate requirements are required. However, if applicable, a certification under 37 C.F.R. § 1.97 (e)(1) has been provided.
- ☒ After receipt of a first Office Action on the merits but before mailing of a final Office Action or Notice of Allowance.
 - ☐ A fee is required. A check in the amount of __ is enclosed.
 - ☒ A fee is required. Accordingly, a Fee Transmittal form (PTO/SB/17) is attached to this submission in duplicate.

☐ A Certification under 37 C.F.R. § 1.97(e) is provided above; accordingly, no fee is believed to be due.

Applicants would appreciate the Examiner initialing and returning the Form PTO/SB/08a/b, indicating that the information has been considered and made of record herein.

The information contained in this Information Disclosure Statement under 37 C.F.R. § 1.97 and § 1.98 is not to be construed as a representation that: (i) a complete search has been made; (ii) additional information material to the examination of this application does not exist; (iii) the information, protocols, results and the like reported by third parties are accurate or enabling; or (iv) the above information constitutes prior art to the subject invention.

In the unlikely event that the transmittal form is separated from this document and the Patent and Trademark Office determines that an extension and/or other relief (such as payment of a fee under 37 C.F.R. § 1.17 (p)) is required, Applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petition and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing 532212000624.

Dated: August 28, 2008

Respectfully submitted,

By: 

Peng Chen

Registration No.: 43,543
MORRISON & FOERSTER LLP
12531 High Bluff Drive, Suite 100
San Diego, California 92130-2040
(858) 720-5117